THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.6157 of 1998
Date: 21-03-2007

Between:
G.Chinna and another

Petitioners

And

The Regional Manager,
A.P.S.R.T.C., D.B.S. Complex,
Visakhapatnam and two others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.6157 of 1998

ORDER:

1. The two writ petitioners have instituted this case seeking directions to grant them selection grade scales of pay amongst heavy vehicle drivers from the date of their initial appointment, i.e. 10-01-1976.

2. Since the writ petitioners have not disclosed all the relevant facts, I had ascertained the facts as set out in the counter affidavit filed on behalf of the respondent corporation. Pursuant to the nationalization of the private bus routes in Visakhapatnam district in the year 1975, the two writ petitioners were treated by the respondent corporation as oustees and consequently they came to be appointed on temporary basis in terms of Regulation 17 of the APSRTC Employees (Recruitment) Regulations on 10-01-1976 as Heavy Motor Vehicle Drivers Grade-II. Unfortunately after the first petitioner had caused a motor accident involving a vehicle belonging to the respondent corporation and a private truck, a serious study of the credentials of the first writ petitioner was undertaken by the respondent corporation, where at they realized that the petitioners have not acquired 3 years of experience of driving heavy motor vehicle after they were granted necessary licence by the Licencing Authority under the Motor Vehicles Act. Consequently, the respondent corporation realized that the writ petitioners did not have the eligibility to be appointed as Heavy Motor Vehicle Drivers Grade-II, but however, taking a compassionate view of the entire matter, the two writ petitioners came to be recruited as light motor vehicle drivers on 24-08-1978 as

Drivers Grade-II. Subsequently, against the scheme of sanctioning Selection Grade Scales up to 10% of the existing drivers Grade-II, the writ petitioners have also been granted the Selection Grade/ Driver Grade–1 Scale with effect from 01-04-1986. Therefore, it is clear that the writ petitioners had received a fair and reasonable treatment at the hands of the respondent corporation. If the writ petitioners did not possess three years of experience of driving heavy motor vehicle after obtaining the licence for driving such vehicle, they could have been rejected straightaway to be appointed as heavy motor vehicle Driver. The policy of the respondent corporation to insist upon an experience of 3 years of driving of heavy motor vehicle after obtaining the licence for appointment as a Driver cannot be faulted, for, the public safety as well as safety to the property is undoubtedly a paramount consideration for the respondent-corporation. For these reasons, the writ petitioners cannot compare their claims along with such other qualified candidates who got recruited as Heavy Vehicle Driver Grade-II and got recruited as such in June,1975. I do not find any illegality on the part of the respondent corporation in not granting selection grade or promotion as Driver Grade-1 to the writ petitioners with effect from the date of their initial engagement in the respondent corporation. At any rate, no employee has got a right to seek promotion or fitment against selection grade post right from the very initial day of his appointment/engagement in the service of the respondent-corporation.

3. Therefore, writ petition is dismissed, but however, without costs.

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NOOTY RAMAMOHANA

RAO,J
21-03-2007
Stp